

# **Brunswick Planning Commission**

## **Minutes**

### **June 27, 2005**

**Commission Members Present:** Chair Ed Gladstone, Vice Chair Don Krigbaum, Secretary Connie Koenig, Wayne Dougherty, and Ellis Burruss, Alternate.

**Staff Present:** Planning & Zoning Administrator Rick Stup, City Development Review Planner Jeff Love, and County Planning Liaison Carole Larsen.

Chairman Gladstone called the meeting to order at 7:00 PM.

#### **Chairman**

Mr. Gladstone requested all those in attendance who were going to speak on the Brunswick Crossing PUD presentation, to rise and be sworn in.

Mr. Stup reminded the public that the Planning Commission will be adhering to the speaker time limits listed on the second page of the agenda, and Staff will be utilizing the meeting timer.

#### **Minutes**

The minutes of the May 23 meeting were reviewed and approved. (MOTION by Mr. Burruss and seconded by Mr. Krigbaum unanimously passed.)

#### **Old Business**

Mr. Stup distributed the Contact List to the Commission, requested that they make any changes, and pass them to him.

#### **New Business**

#### **Zoning – PUD – Phase III Preliminary Plan**

**Brunswick Crossing PUD – Located east of Jefferson Pike, south of Burkittsville Road, west of Petersville Road. Zoning Classification: R-1, R-2, RS and OS; Water and Sewer Classification: W-3, S-3; BR-PUD-03-01-PIII**

#### **Staff Presentation and Recommendation**

Mr. Stup presented the Staff Report for the Phase III PUD Plan approval. He stated the Homeowner Association documents were included and required approval as part of the Preliminary Plan.

**Staff Presentation and Recommendation Cont.**

**Recommendation**

Staff recommends approval of the Phase III PUD Preliminary Plan with the following conditions:

1. The individual Site Plans proffered for the entire site be submitted for approval.
2. Integration of the unit types throughout the development fulfills the intent of the Phase II Plan Land Bays.
3. Structure orientation for Panhandle Lots to be identified and noted on the Plan to Staff's satisfaction.
4. FRO FFCP and Agreement Package approved prior to Final Plat recordation.
5. Site Plan for any Gas Facilities to be submitted and approved by the Planning Commission.
6. The Parkland/School Site must be transferred to either the BOE or the City prior to or simultaneously with the initial Final Plats for the project.
7. Site Plans for the Open Space/Park Facilities are required to be submitted for approval.
8. MSHA approval of the access points as part of their Entrance Permit Process prior to Final Plat approval. (Access points to be refined with Site Plans).
9. Accel/decel and turning lanes for Jefferson Pike and Petersville Road improvements must be addressed as part of the Site Plans prior to Improvement Plan approval.
10. A modification to the street frontage requirement is granted to permit access from private alleys to achieve the neo-traditional design.
11. Future connections to the City areas must be shown on the Final Plats as reserves for future streets, and the areas must be rough graded for the future connection, curb cuts constructed as part of the street construction, and permanent signs posted noting the future street.
12. If there is any grading or fill by the developer on this site, the area where Dayton Street would be extended must be rough graded for the future Connection, and permanent signs posted noting the future street. At a minimum permanent signs must be posted for the future street extension.
13. The internal primary thoroughfares and the development connection to the existing streets within the City Construction Schedule must be provided to Staff's satisfaction.
14. Modification from the maximum length of cul-de-sac is granted as requested.
15. A street section modification is required to permit the cul-de-sac landscape areas.
16. The amount and type of landscaping in the cul-de-sac green area and the median strips must be addressed as part of the Site Plan process.

**Staff Presentation and Recommendation Cont.**

**Recommendation Cont.**

17. Construction entrances and the direction of construction traffic are deferred to the Site Plan. The internal primary thoroughfares and the development connection to the existing streets within the City Construction Schedule must be provided to Staff's satisfaction and noted on the Preliminary Plan prior to signature of the plan.
18. Two lighted school zone controls are required to be installed as part of the developer improvements to Central Avenue, which must be noted on the Plan prior to signature.
19. Parking is to be addressed with each Site Plan.
20. A note is to be placed on the Preliminary Plan stating that landscaping/screening will be addressed at Site Plan review.
21. A note is to be placed on the Preliminary Plan stating that lighting and signage will be addressed at Site Plan review.
22. Street and alley names must be approved by the County and put on the Preliminary Plan prior to signature. All Site Plans must have street and alley names.
23. The City Engineer and Public Works must review all dead end service proposals for service, fire protection, and liability of the City; and Staff's concerns must be addressed prior to Site Plans or Improvement Plan submission.
24. Gas lines must be shown on the Improvement Plans for approval as part of the Improvement Plan process.
25. The following modifications are conceptually granted to be refined with each Site Plan:
  1. 13 street & alley cross-sections and Street Section Key shown on Sheet L3-01
  2. Design Guidelines and street modification requests on Sheet L2-01
  3. Private alleys permitted and to be maintained by the HOA
  4. Minimum bulk requirements shown on Sheet L2-01
26. Conditional approval of the HOA documents to be refined with Site Plan and finalized to Staff and the City Attorney's satisfaction and recorded prior to Final Plat signature.
27. Applicable agency comments
28. Applicant bound by their testimony.

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**Staff Presentation and Recommendation Cont.**

Mr. Stup indicated that there was one piece of correspondence that needed to be read into the record from Nelson Smith, who thought that he couldn't attend. Mr. Smith is present and wishes to testify on behalf of the Ambulance Company. At the request of the Chair Mr. Stup addressed the items in the letter, most of which dealt with areas outside the PUD and case before the Commission.

Ms. Koenig asked about Ms. Cable's letter. Mr. Stup responded that the office had not received any correspondence from her.

Mr. Stup answered general questions with regard to the Plan and HOA Documents. Some of which are the following:

- Mr. Burruss – bulk requirements, modified pavement material, Petersville Road jurisdiction, accel/decel Lanes, and housing types
- Mr. Krigbaum – Burkitsville Road improvements
- Ms. Koenig – Assisted Living Facility, dead end alleys, and entrances to open space

**Applicant**

Mr. Dan Snyder, Brunswick Crossing LLC, presented the development team, which included: Krista McGowan, Miles and Stockbridge; Jerry Connelly & Lou Iaquina, Brunswick Crossing, LLC; Mark Wendland & Fred Jarvis, EDSA; Jim Ruff, Macris, Hendricks & Glascock, PA; Joe Caloggero, The Traffic Group, and Jonathan Allgaier – Fusion, Architect, Planning & Design. He reviewed some of the main points to include clarification of Active Adult Units as a housing type rather than a segregated area with age restrictions.

Mr. Mark Wendland and Mr. Fred Jarvis gave a brief summary of the project design and how it has evolved to include: access points, green areas, bike trail route, maintain Viewsheds, goals of the project by the Citizen Advisory Committee (CAC), and CAC concurrence with the concepts and plans.

Mr. Snyder closed stating that they agreed with the Staff Recommendation, and that members of his development team were available for questions.

Mr. Gladstone's question with regard to the sidewalk and bike path concept/function was answered.

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### **Public Comment**

Mr. Joe Harrington questioned the removal of the segregated Active Adult Area being removed and integrated into the other housing types.

Mr. Nelson Smith speaking on behalf of the Ambulance Company presented a petition signed by eighteen (18) members of the Company for an area to be added for the relocation of the Ambulance Company. He further stated that he didn't realize that those areas of the annexation were not part of the PUD, but wanted to submit the petition anyway.

Ms. Kim Cable commented on the Active Adult Area integrated into the other unit types, the need for age restrictions for the Active Adult Units, and Annexation Referendum. With time conceded by Ms. Karen Tome she further commented on the Developer Option Letter; APFO Test; Developer's changing their minds; CAC Concept; and last minute decisions. She further inquired why Staff didn't question the Active Adult units prior to the Phase II Plan, and if Staff conferred with the Mayor & Council.

Mr. Tom Smith commented that he agreed with the comments of the previous speakers, he had supported the annexation but it needed senior condos, and questioned why the Mayor & Council didn't have a say in any of the requirements.

At Mr. Gladstone's request Mr. Stup responded to the appropriate questions. He stated that the driving documents are the Annexation Agreement and any other signed agreement that would impact the Planning Process. The plan is in accordance with those documents most of which were signed prior to his arrival at the City. He also stated that all of the various reviews and approvals required by the Zoning Ordinance have been completed in accordance with the regulations. In addition, Staff has briefed the Mayor & Council of the progress and approvals of the project and items associated with the project through the monthly P&Z Staff Reports and Staff Reports for items that required Council approval.

### **Rebuttal**

Mr. Jerry Connelly, Pleasants Development, presented rebuttal for the development team and answered additional questions from the Planning Commission. He specifically commented on the Fire/Rescue Site even though it was not part of the PUD; the original term on the Concept Sketch was "Senior Independent Living"; 'Active Adult' is a marketing tool; age restrictions for the Active Adult Units; old industry design versus new; and the Bubble Plan shown on the Phase II Plan.

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**Rebuttal Cont.**

At Mr. Gladstone's request, the CAC was asked to comment on their involvement and concurrence with the Plan. Mr. Wayne Allgaier spoke for the CAC and the members present.

He stated that the CAC took the original Concept Sketch and built upon it. They agree with the integration of the units as shown and concur with the Plan as presented.

The Commission had additional questions that were answered by Staff or the applicant. Those questions included the following:

- Ms. Koenig – stated that the Commission takes their responsibilities very seriously; questioned anyone's right to require an age restriction or segregation; questioned if concerns about distances between units were resolved; and if modifications would be addressed again.
- Mr. Burruss – Additional HOA document questions, and the Bubble Plan. He also stated that he felt the alley issue was corrected, agreed with the access onto Petersville Road, and agreed with the integration of the units
- Mr. Krigbaum – Asked for clarification as to why the unit type integration happened.

Mr. Connelly responded with comments of the Design Charet process, CAC comments/reviews became building blocks for the design, and marketing information for various unit types.

Mr. Stup explained and further clarified the HOA Document process and the role of the Planning Commission.

**Decision**

Mr. Krigbaum made a motion to approve the Phase III PUD Plan request in accordance with Staff Recommendation; Ms. Koenig seconded the motion.

**VOTE:   Yea   5   Nay   0**

Mr. Gladstone requested all those in attendance who were going to speak on the remaining case, to rise and be sworn in.

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**Zoning – Improvement Plans**

**City of Brunswick WWTP Expansion & Upgrade (Contract S-1) – Located on the south side of C & O Canal Towpath East, east of Maple Avenue. Zoning Classification OS; Water & Sewer Classification W-1, S-1; BR-SP-04-04-IP**

**Staff Presentation and Recommendation**

Mr. Stup presented the Staff Report for the Site Improvement Plans for the upgrade and expansion of the Wastewater Treatment Plant.

Because most of the comments are technical of nature and shouldn't require major plan revision, Staff recommended approval of the application with the following conditions:

1. Address agency applicable comments.
2. Final review and approval by Staff.
3. PWA Package submission and approval.
4. Applicant bound by their testimony.

Mr. Stup answered questions with regard to the plan, and Staff Recommendation.

**Applicant**

None.

**Public Comment**

None.

**Rebuttal**

None.

**Decision**

Mr. Burruss made a motion to approve the request in accordance with Staff Recommendation; Mr. Dougherty seconded the motion.

**VOTE: Yea 5 Nay 0**

**Zoning – Site Plans – PWA Package, Contract W-1**

**Lot 260 (East F Street) – Located on F Street, west of Second Avenue. Zoning Classification: OS, BR-IP-03-02 PWA**

**Staff Presentation and Recommendation**

Mr. Stup presented the Staff Report for the PWA Package for Contract No. W-1, which included the PWA for water & associated street repairs. The documents appear to satisfy the City's requirements. Guarantee of Improvements are proposed to be in the form of two Letters of Credit in the amounts of \$19,662.93 and \$6,049.00 from F & M Bank.

Staff recommends approval of the PWA Package for Contract W-1 with the following conditions:

1. County DPDR approval of any SWM & SEC Cost Estimates if required.
2. Applicant bound by their testimony.
3. PWA Package approved by the Mayor and Council.
4. Subject to Staff's final review for accuracy and any minor revisions.

Staff further recommended that a recommendation of approval for the PWA Package be forwarded to the Mayor and Council as part of a Staff Report.

Mr. Stup answered questions with regard to the plan and past approvals, proffers, conditions and discussions.

**Applicant**

Mr. Michael Sponseller, E.B. Sponseller, presented the applicant's case and answered questions.

**Public Comment**

None.

**Rebuttal**

None.

**Decision**

Mr. Dougherty made a motion to approve the request in accordance with Staff Recommendation; Mr. Krigbaum seconded the motion.

**VOTE: Yea 5 Nay 0**



**Improvement Plans – Public Improvements**

**Discussion on the Internal Administrative Policy for review and approval of non-development review/off-site Improvement Plans**

Mr. Stup stated that this was an information item only. He distributed the Administrative Policy for processing and approving non-development project Improvement Plans, explained the process, and answered Commission questions.

**Zoning/Subdivision – Text Amendments**

**APFO – County**

**Review of the proposed Land Stewards, L.C. amendment of the County APFO with regard to Schools for recommendation to the Mayor & Council. FcPc File Number A-T-05-03**

Mr. Stup presented the Staff Report for the proposed amendment to the County APFO.

Staff recommended that the Planning Commission forward a Denial Recommendation to the Mayor and Council for the following reasons:

1. It places the County in a situation that may require diverting funding for smaller school feeder patterns to areas that were permitted to use the buy-out.
2. It could force smaller jurisdictions with an APFO to consider an amendment to their APFO to weaken the School Test to be able to continue to grow.
3. The current system of Planning Commission approval of Developer Option Letters should be maintained to ensure the decision is based on its planning merits and not become a political decision.

Staff further recommends the recommendation be forwarded to the Mayor and Council as part of a Staff Report.

Mr. Stup answered Commission questions with regard to the proposed amendment and Staff Recommendation.

**Applicant**

None since the request was from Frederick County for comments.

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**Public Comment**

Krista McGowan, Miles & Stockbridge, commented on the request and explained the reason for the amendment, since she had prepared the amendment for the applicant. She answered Commission questions.

**Rebuttal**

None.

**Decision**

Ms. Koenig made a motion to deny the amendments in accordance with Staff Recommendation; Mr. Burruss seconded the motion.

**VOTE: Yea 4 Nay 1** (Mr. Dougherty)

Mr. Stup reminded the Commission that there would not be a need for the overflow meeting on June 29. To date there will be a regular meeting on July 25 with an overflow date of July 27, if needed. There are currently two items on the agenda.

**Adjournment**

The meeting was adjourned at 9:55 PM.

Respectfully submitted,

Connie Koenig, Secretary  
Brunswick Planning Commission